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UNITED STATES DISTRICT COURT
FOR THE STATE OF ALASKA

Nathanael Jenkins,

Plaintiff,

vs.

ACDA/EASY PARK,

Defendant.

Case No. 3:20-cv-00217-SLG

SCHEDULING AND PLANNING CONFERENCE REPORT

I. Meeting.

In accordance with Rules 16(a) and 26(f), Federal Rules of Civil Procedure, and with Local Civil Rules 16.1 and 26.1(b), the parties conferred on March 15,

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2021; the following persons participated: Michael Grisham, Dorsey & Whitney, for Defendant; Nathanael Jenkins, *pro se*. The parties recommend the following:

II. Discovery Plan.

A. Timing, Form and Disclosure Requirements. Please refer to Rule 26(f)(3)(A), Federal Rules of Civil Procedure. Are there changes that the parties are proposing to that rule for this case under Rule 26(a)?

Yes ☐ No ☒

B. Initial Disclosures / Preliminary Witness Lists.

1. The information required by Rule 26(a)(1), Federal Rules of Civil Procedure:

(a) ☐ Has been exchanged by the parties.

(b) ☒ Will be exchanged by the parties on or before: March 29, 2021.

2. Preliminary witness lists:

(a) ☐ Have been exchanged by the parties.

(b) ☒ Will be exchanged by the parties on or before March 29, 2021.

3. Disclosure Statement. The disclosure requirements of Rule 7.1, Federal Rules of Civil Procedure:

(a) ☐ Have been complied with.

(b) ☒ Compliance will be accomplished on or before March 29, 2021.

(c) ☐ Rule 7.1 is not applicable.

C. Subjects and Timing of Discovery. See Rule 26(f)(3)(B), Federal Rules of Civil Procedure.

1. List the subjects on which discovery may be needed:
2. Should discovery be conducted in phases or limited to or focused on particular issues? Yes ☐ No ☒
3. Absent good cause, the proposed date for completion of all discovery should be no later than **twelve months** from the date of this report.
4. **Final Discovery Witness List.** A final discovery witness list disclosing all lay witnesses whom a party may wish to call at trial shall be served and filed on January 28, 2022.¹

¹ Each party shall make a good faith attempt to list only those lay witnesses that the party reasonably believes will testify at trial.

5. **Close of Fact Discovery.** Fact discovery will be completed on or before March 15, 2022.
6. **Expert Discovery.** See Rule 26(a)(2), Federal Rules of Civil Procedure.
- (a) Expert witnesses shall be identified by each party on or before December 15, 2021, and each party may identify responsive supplemental expert witnesses within 14 days thereafter.
- (b) Expert disclosures (reports) required by Rule 26(a)(2) will be disclosed:
- (i) By all parties on or before February 15, 2022.
- (ii) Rebuttal reports on or before 30 days from the service of the report being rebutted.
- (c) Expert witness discovery (include depositions) shall be completed by: March 15, 2022.

D. Preserving Discovery and Electronically Stored Information (ESI)

1. Are there issues about the disclosure, discovery, or preservation of ESI, including the form or format in which it should be produced?

See Rule 26(f)(3)(C), Federal Rules of Civil Procedure.

Yes ☐ No ☒

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2. Please state how ESI should be produced: In native format if possible, otherwise by agreement of the parties.

3. Are there issues with preserving non-ESI discovery?

Yes ☐ No ☒

E. Claims of Privilege or Protection of Attorney Work Product

See Rule 26(f)(3)(D), Federal Rules of Civil Procedure.

1. ☒ There is no indication that this will be an issue.

F. Limitations on Discovery. See Rule 26(f)(3)(E), Federal Rules of Civil Procedure.

1. ☒ The limitations contained in Rules 26(b), 30, and 33, Federal Rules of Civil Procedure, and in Local Civil Rules 30.1 and 36.1, will apply.

G. Supplementation of Disclosures and Discovery Responses.

Please refer to Rule 26(e)(1) and (e)(2), Federal Rules of Civil Procedure. Do the parties request that the Court enter an order that is different from these rules (e.g. supplementation at 30-day intervals)?

Yes ☐ No ☒

III. Pretrial Motions.

- A. Are there preliminary motions as to jurisdiction, venue, arbitration, and/or statutes of limitation that should be filed within 60 days?

Yes ☐ No ☒

- B. Motions must be served and filed within the times specified in applicable rules.

IV. Trial.

- A. The case is expected to take 5 days to try.

- B. Has a jury trial been demanded? Yes ☐ No ☒

- C. Is the right to jury trial disputed? Yes ☒ No ☐

Plaintiff seeks to retain the right to request a jury trial. Defendant understands that the right to trial by jury has been waived by failure to timely request it.

- D. The parties ☒ do / ☐ do not request the scheduling of a trial date at this time.²

1. If a trial date is requested at this time, the parties' report shall include a minimum of three alternative dates for the start of the trial,

² The decision of whether to establish a trial date at this stage of the proceedings rests with the discretion of the assigned judge. Counsel and self-represented parties are
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at least two of which are 5 to 7 months from the close of all discovery.

The parties request trial the weeks beginning of October 17, 2022; October 24, 2022, or; October 31, 2022.

V. Other Provisions.

A. Court Conference. The parties ☐ do / ☒ do not request a conference with the court before entry of a scheduling order.

B. Consent to Proceed before a Magistrate Judge.

The parties ☒ do / ☐ do not consent to trial before a magistrate judge.

C. Early Settlement / Alternative Dispute Resolution.

1. Do the parties request immediate assistance by way of a settlement conference or alternative dispute resolution?

Yes ☐ No ☒

2. Do the parties wish to consider private mediation or a settlement conference with a judicial officer of this court at a later date?

Yes ☒ No ☐

advised to contact the assigned judge's Data Quality Analyst (DQA) to determine the judge's practice for establishing a trial date.

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D. Related Cases. Are the parties aware of any related cases as defined by Local Civil Rule 16.1(e)? Yes ☐ No ☒

VI. Report Form.

A. Have the parties experienced a problem in using this form?

Yes ☐ No ☒

B. Are there additional subjects that the parties would propose to add to this form? Yes ☐ No ☒

Dated: March 17, 2021

Dorsey & Whitney LLP

By: /s/ Michael A. Grisham
Michael A. Grisham, ABA #9411104
grisham.michael@dorsey.com

By: /s/ Nathanael Jenkins
Pro Se Litigant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 17th day of March, 2021, a true and correct Scheduling and Planning Conference Report
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copy of this document was served by U.S. Mail on:

Nathanael Jenkins
5000 Taku Dr., Ste. 104
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And by electronic means through the ECF system
as indicated on the Notice of Electronic Filing.

/s/ Michael A. Grisham
Michael A. Grisham, ABA No. 9411104
Dorsey & Whitney LLP